

2010
ELECTION DAY
ACTIVITY REPORT



FEBRUARY 1, 2011

DELBERT HOSEMANN
Secretary of State



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REPORT OF ELECTION DAY ACTIVITIES

GENERAL ELECTION

November 2, 2010

&

RUNOFF ELECTION

November 23, 2010

Prepared by:
Elections Division
of the
Mississippi Secretary of State

OVERVIEW

On November 2, 2010, Mississippians cast ballots in the 2010 General Election to elect members of the U.S. House of Representatives and non-partisan judicial officers. Special elections were also held in several counties to fill vacancies in office. On November 23, 2010, a general runoff election was held where necessary. This report summarizes the preparation and assistance provided by the Secretary of State's Office as well as general observations on the elections.

This election cycle was highlighted by several extraordinary circumstances, including:

1. The deaths of two unopposed judicial candidates, requiring a write-in ballot procedure;
2. The implementation of enhanced military voting in Mississippi;
3. The Secretary of State deployed first-hand observers to twenty-nine (29) counties on Election Day;
4. For the first time ever, the implementation of a program allowing voters to send texts to the Secretary of State's Office on Election Day requesting voter assistance information;
5. Although available, a sufficient number of voting machines were not deployed in some counties by election commissioners;
6. In one county, an insufficient number of machine-scannable paper ballots were provided on Election Day; and,
7. Absentee balloting in some counties reflected a small number of individuals may have witnessed larger numbers of ballots. For example, in Lowndes County, 350 ballots were witnessed by the same six (6) individuals. One individual witnessed 167 ballots and another individual witnessed eighty (80) ballots.

All eighty-two (82) Mississippi counties certified their general election results to the Secretary of State's Office, and Secretary of State Delbert Hosemann certified the General Election on November 15, 2010.¹ According to the certified results, 788,549 votes were cast in the General Election.² The voter turnout in this election was greater than the 743,900 votes cast in the 2007 Gubernatorial Election.

Twenty-seven (27) counties held a runoff election on November 23, 2010. Secretary of State Delbert Hosemann certified the election on December 14, 2010.³

Preparing for and conducting the General Election and the General Runoff Election are the statutory responsibilities of each county's election commission and circuit clerk. The Secretary of State's Office provides assistance to these election officials through advance training on various topics including the Statewide Elections Management System (SEMS), election laws and voting machines.

¹ Election Certifications are available online at <http://www.sos.ms.gov/elections4.aspx>

² Voter Turnout Totals by Congressional District; November 2, 2010 General Election (Appendix 1)

³ Election Certifications are available online at <http://www.sos.ms.gov/elections4.aspx>

SECRETARY OF STATE ACTIVITIES *PRIOR TO ELECTION DAY*

Prior to Election Day, the Secretary of State coordinated database building and other technical support for the counties utilizing Diebold Touch-Screen voting equipment. Diebold voting machines were used in precincts in seventy-seven (77) counties for the General Election and twenty-seven (27) counties in the General Runoff Election. More than 460 voting machines were deployed statewide for the General Election and 1,574 voting machines were deployed for the General Runoff Election.

Six counties used some other form or a hybrid form of voting technology. Desoto, Lee and Yalobusha counties used the Election Systems & Software (ES&S) M100 Optical Mark Reader and the Auto Mark. Rankin County used the ES&S iVotronic DRE. Hinds County used the Advance voting Solutions WINvote DRE. Harrison County used a combination of the Premier Election Solutions TSx DRE and the ES&S M100 Optical Mark Reader Precinct Scanner.

Write-in Balloting for Two Offices

Chancellor James H. C. Thomas, Jr., a candidate seeking re-election as chancery judge, died following the qualifying deadline but prior to the General Election for Chancery Judge District 10, Place 1. At the time of his death, Chancellor Thomas was unopposed in the race. The seat encompasses Lamar, Marion, Pearl River and Perry counties.

Additionally, Circuit Judge Robert G. Evans, a candidate for re-election to the Circuit Judge District 13 position, died after the qualifying deadline but prior to the General Election. Judge Evans was also unopposed at the time of his death. This seat encompasses Covington, Simpson, Smith and Jasper counties.

As a result of the untimely deaths of these two judicial candidates, the State Board of Election Commissioners determined state law required these elections to be determined by write-in balloting in the November 2, 2010, General Election. Secretary of State personnel traveled throughout the affected counties prior to election day to educate county election officials and the general public about write-in balloting procedures.

Secretary of State personnel observing the General Election reported the write-in balloting occurred without major issue. There were very few calls to the Secretary of State's office complaining about the write-in process. The biggest concern expressed by voters was not knowing the name of a candidate to write in on the ballot.

Military and Overseas Voter Empowerment Act

In October 2009, Congress enacted the Military and Overseas Voter Empowerment Act (MOVE) which amends the Uniformed and Overseas Absentee Voting Act (UOCAVA) and facilitates the absentee voting process for military and overseas voters. To ensure these changes were properly implemented in Mississippi, the 2010 Mississippi Legislature passed Senate Bill 2642 to improve voting access for military and overseas voters. The Department of Justice gave it preclearance on July 9, 2010.

One of MOVE's most significant changes addresses the transmittal deadline for absentee ballots. According to MOVE, if a valid absentee ballot request is received prior to forty-five (45) days before an election, the ballot must be transmitted to the requesting voter no later than forty-five (45) days before the election. Although the Secretary of State's Office repeatedly informed county

election officials of this requirement, twenty-two (22) counties failed to comply. In response, the Secretary of State created an administrative rule to extend the deadline to bring those counties into compliance. The delinquent counties transmitted absentee ballots within the extended time period.

SECRETARY OF STATE ACTIVITIES

ELECTION DAY

On both the General Election Day and the General Runoff Election Day, the Secretary of State's Office executed a two-pronged support plan. First, personnel in the Elections Division maintained a support function through the Agency's office in Jackson. Secondly, personnel from the Secretary of State's Office were deployed through the State to observe first-hand the election process by visiting precinct polling locations and county courthouses where election results were recorded.

Telephone Calls

On Election Day, the Secretary of State's Election Division in Jackson received approximately 470 phone calls concerning the election from election officials and the general public. Most of the calls concerned the lack of party affiliation information listed on the ballot in Rankin County for candidates for the U.S. House of Representatives race. Other inquiries included questions about ballot issues, technical difficulties with voting machines and complaints about precinct locations.

On General Runoff Election Day, the Elections Division received about thirty-five (35) calls from elections officials and the general public. Most calls concerned the location of a voter's registration. Other calls reported voter registrations erroneously moved to inactive status, complaints of campaigning within 150 feet of a voting precinct and voter assistance inquiries.

Sending Texts to the Secretary of State

To provide Mississippi voters with improved access to the Secretary of State's Office, our Agency implemented a program to allow citizens on Election Day to send a free text message from their mobile phone to the Secretary of State's Office to obtain the Election Hotline telephone number. Voters could text the word "vote" to the number 57711 and receive a standard reply text stating, "We take voting very seriously. Please call our Elections Hotline at 800-829-6786." The Elections Hotline was staffed throughout Election Day by Secretary of State personnel.

The texting program was provided at no cost to the Secretary of State's Office by AmeriMail Digital Direct, a Mississippi company. Standard fees for the text messages applied to the sender of the text.

Approximately 119 text messages were sent to the Secretary of State's Office on Election Day.

Deploying Observers

To gather first-hand information on Election Day activities, the Secretary of State's office deployed thirty-one (31) staff members from the Secretary of State's Office into twenty-nine (29) counties on the General Election Day.⁴ Additionally, the Secretary of State's Office deployed thirteen (13) observers into thirteen (13) counties on General Runoff Election Day to observe election activities.

The counties to be observed were selected to create a statewide geographic distribution. Our Agency also sent observers to counties where local election officials and the public had requested our presence. Observers were instructed to visit and observe specific precincts based upon precinct location, voter roll count and specific requests by local election officials and the public. For the most part, the observers were well received by both election officials and the public.

Observers noted the progress of voting at each individual polling location as well as detailing any elections procedure which appeared to contravene with current federal or state election law. Additionally, observers were provided with a checklist to assist them with the gathering of information from each precinct.⁵

OBSERVATIONS

Polling Locations

Observers noted polling locations were generally compliant with federal laws regarding access for disabled voters. However, some polling locations lacked adequate access for entering and exiting the locations. Some areas outside polling locations (such as West Raleigh and Cedar Grove precincts in Smith County and the Courtland Precinct in Panola County) were reported to be unpaved, making access for the disabled difficult, especially in the rainy conditions. Some polling locations were too small or overcrowded, resulting in less privacy for voters casting their ballots.

Observers also noted polling locations were not well marked. In some instances, observers drove past precincts several times before determining the location of the precinct. Additionally, signage indicating polling times was not posted in a large number of precincts.

Prohibited Area Surrounding the Polling Location

State law requires a space of thirty (30) feet in every direction from the polls or the room where the election is held be kept clear of all persons except: election officials, voters waiting to cast their ballots, candidates or one authorized representative of each candidate, and two challengers selected by each political party. State law also prohibits campaigning anywhere within 150 feet of the entrance of the building where the election is held.

Observers noted people were generally compliant with these laws. However, there were several instances where individuals campaigned within the prohibited areas. An observer at the Kearney Park Fire Station precinct in Madison County noted two men holding up campaign signs would occasionally drop the signs and approach voters as they exited their cars in the parking lot prior to entering the voting precinct.

⁵ General Election Checklist (Appendix 3)

Curbside Voting

According to Mississippi election law, a physically disabled voter who does not vote by absentee ballot and who drives, or is driven, to the polling place but is unable to enter the structure where the actual voting is taking place, may be provided necessary assistance in voting. State law requires poll managers, in exercising sound discretion, first to determine the voter is actually at the polling place. Two poll managers are then required to take the poll book, receipt book and ballot or voting device to the vehicle and allow the vote to occur. The voting process inside the precinct must stop while curbside voting takes place.

Election Day observers noted curbside voting taking place and, for the most part, proper procedures being followed. However, an observer at the Como precinct in Panola County noted a gentleman who brought a curbside voter to the precinct was allowed to assist the voter by holding the sample ballot and reading the names to the voter while another gentleman pointed to the names on the ballot where the voter needed to vote.

Voting Technology

Minor problems with voting machines were reported by our observers. Most problems were resolved quickly by county election officials or county technicians. The most frequent problems were associated with external printers and encoders. Some problems appeared to be related to operator error.

Some counties erroneously anticipated low voter turnout and deployed fewer voting machines to the precincts than were actually needed. In these counties, a high voter turnout on General Election Day resulted in long lines and a long wait for many voters throughout the day.

Observers in Madison County noted extremely long lines at precincts because only a small number of voting machines were deployed for use by a large number of voters. Precinct 325 (Whisper Lake) had 1,948 voters registered in the poll book, but only three voting machines were made available at the precinct. Precinct 207 (Madison Methodist Church) had 3,960 voters registered in the poll book with only three voting machines deployed at the precinct. Precinct 109 (Victory Baptist) had 1,803 voters registered in the poll book with only three voting machines made available for use.

Additionally, some of the voting machines deployed at these precincts were inoperable. Observers noted that signing in at the precinct did cause any delay. Rather, the delay occurred when voters were forced to wait in long lines for an available voting machine.

An observer at the National Guard Armory precinct in Simpson County also noted extremely long lines at precincts, apparently because of an inadequate number of voting machines. At one point, at least fifty (50) elderly voters waited for a considerable amount of time before being allowed to vote. Folding chairs had to be provided for these voters to rest while they were waiting for an available voting machine.

Voter Rolls

Observers noted some voters arriving at a precinct only to learn they were not listed on the poll book. In most instances, the voter was at the incorrect precinct. The poll manager would either refer to the master voter registration list or refer the voter to the Circuit Clerk's Office to determine if the voter was registered in a different precinct. If the voter's registration was indeed located in a different precinct, the voter was then directed to the correct precinct. If the voter's registration could not be found, the voter was allowed to vote by affidavit ballot. Observers reported the affidavit ballot procedures appeared to be properly followed.

Bilingual Poll workers

Federal law requires bilingual poll workers to serve as translators in certain counties designated as language minority jurisdictions under Section 203 of the Voting Rights Act. Portions of Jones, Kemper, Leake, Neshoba, Newton and Winston counties are designated as Choctaw language speaking jurisdictions. In these areas, all election information available in English must also be made available in Choctaw – the minority language. An observer in Neshoba County noted a Choctaw translator was stationed at the Neshoba County Courthouse to provide assistance to the polling locations throughout the county as needed. Required signage was also posted in Neshoba County.

Voter Fraud & Voter Assistance

The Secretary of State's Office received reports of two instances in which a voter arrived at a precinct to vote, but was informed someone had already voted using their name. One of the precincts in Tishomingo County determined the poll manager had mistakenly marked the wrong name and then allowed the voter to vote.

Election law sets forth procedures for any voter who is blind, disabled, or illiterate to receive voting assistance. The voter must declare to the poll managers he or she requires assistance for one of those reasons. Once the voter makes this declaration, the voter may be given assistance by anyone of the voter's choosing, other than the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's union. Voter assistance is different from voter instruction. Voter instruction is provided to anyone who needs help operating the voting machine. Only poll managers are authorized to provide voter instruction.

Observers reported incidents of what appeared to be inappropriate voter assistance. An observer at the Patton Lane precinct in Panola County noted instances where a number of people were permitted behind the voting machines as people were voting. In some cases, poll managers corrected improper voter assistance.

Contingency Response

Most counties had contingency plans in place to address unforeseen circumstances or emergencies. Some counties printed back-up paper ballots in the event a technology failure occurred with the touch screen equipment. Additional touch screen devices were also deployed throughout the counties to be used in case of an emergency.

Voters from Rankin County reported to the Secretary of State's Office their ballots did not include any party affiliation for candidates in the U.S. House of Representatives election. Officials in charge of the election in Rankin County responded by posting sample ballots listing the party affiliations at the voting machines for voter reference.

Lee County utilized the Optical Mark Reader (OMR) voting system on Election Day and experienced higher voter turnout than election officials anticipated. The OMR voting system requires scannable ballots printed by a professional printer, capable of being tabulated by a scanner. The county ordered scannable ballots for fifty percent (50%) of the total number of voters. On Election Day, the voter turnout exceeded the number of scannable ballots available. Lee County election officials responded to the ballot shortage by making photocopies of the scannable ballots and sending them to the precincts in need of additional ballots.

The photocopied ballots were transported to the precincts by various people, including deputy circuit clerks, election commissioners and other concerned citizens. It could not be

determined how many photocopied ballots were printed and transported to the precincts. Observers noted several instances where voters arrived at a precinct but could not vote because the photocopied ballots had not yet arrived from the Lee County Courthouse.

Because the photocopied ballots were not formatted to be scanned by the voting machines, those ballots had to be hand counted. Instead of tallying the votes at the precincts, poll managers returned all of the photocopied ballots to the Circuit Clerk's Office to be hand counted by the Resolution Board, Circuit Clerk, Deputy Circuit Clerks and Election Commissioners.

The hand counting procedure took several days to complete. Secretary of State observers filed a detailed report of the Lee County ballot situation.⁶

Absentee Balloting

There were a large number of precincts which did not post the list of absentee voters as required by Mississippi election law but most poll managers did provide the list of absentee voters when it was requested. An observer reported one precinct in Hinds County did not receive the absentee ballots until 11:00 a.m. on Election Day and another precinct in Hinds County did not receive the absentee ballots until 3:00 p.m.

Observers reported an unusually large number of absentee ballots witnessed by six (6) individuals in Lowndes County for the General Election. Of the 19,023 votes cast, 1,263 were absentee ballots. Of the absentee ballots, 350 were witnessed by the same six (6) individuals. Mississippi law does not limit the number of absentee ballot envelopes any one individual may witness.

CONCLUSIONS

Administration of the 2010 General and General Runoff Elections was a success. Sufficient and adequate resources were available for the Elections Division of the Secretary of State to provide the level of support throughout Election Day, and the days following, until certification of election results was complete.

Positioning personnel from the Secretary of State's office around the twenty-nine (29) counties for the General Election and thirteen (13) counties for the General Runoff Election allowed the Secretary of State to observe the election process first-hand. By deploying Secretary of State personnel, we were able to witness election officials operating in accordance with the training provided by our Agency's Elections Division. It is vital to continue this practice in order for the Secretary of State's office to provide the necessary levels of training and support to elections officials.

⁶ Report on the Counting of Paper Ballots in Lee County General Election (Appendix 4)

FOOTNOTES

- ¹ Election Certifications are available online at <http://www.sos.ms.gov/elections4.aspx>
- ² Voter Turnout Totals by Congressional District; November 2, 2010 General Election (Appendix 1)
- ³ Election Certifications are available online at <http://www.sos.ms.gov/elections4.aspx>
- ⁴ Statewide Deployment by Congressional District (Appendix 2)
- ⁵ General Election Checklist (Appendix 3)
- ⁶ Report on the Counting of Paper Ballots in Lee County General Election (Appendix 4)

APPENDICES

1. Voter Turnout Totals by Congressional District; November 2, 2010 General Election
2. Statewide Deployment by Congressional District
3. General Election Checklist
4. Report on the Counting of Paper Ballots in Lee County General Election

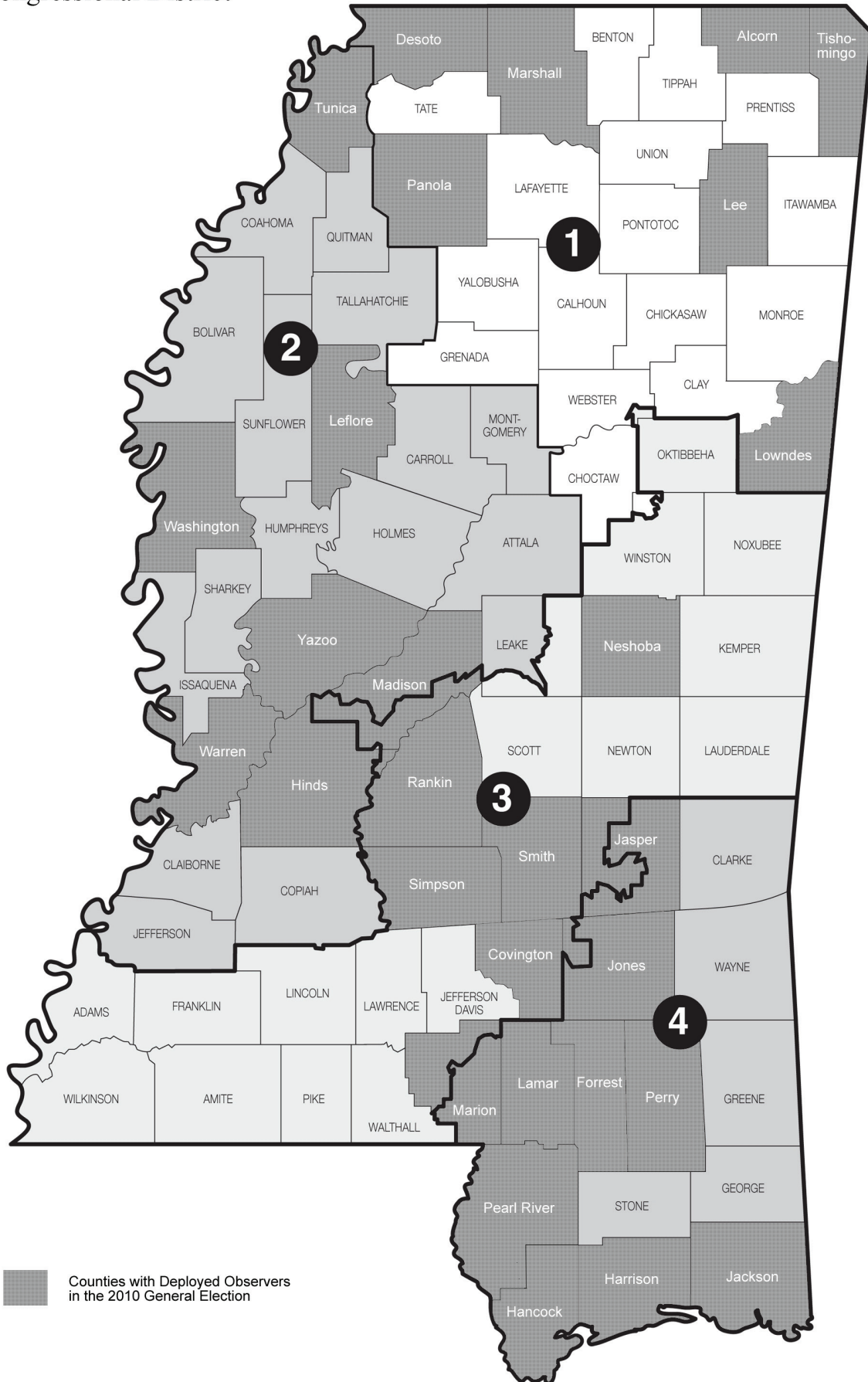
APPENDIX 1

Voter Turnout Totals by Congressional District November 2, 2010 General Election

	Votes Cast
Congressional District 1	219,093
Congressional District 2	171,356
Congressional District 3	194,716
Congressional District 4	203,384
Total Votes Cast	788,549

APPENDIX 2

Statewide Deployment by Congressional District



APPENDIX 3

General Election
November 2, 2010



County _____
Ward _____
Precinct _____
Voter Roll Count _____
Votes (when present) _____

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STARTING THE DAY:	YES	NO
1) Did polls open at 7am?		
2) If using voting machines, was a zero tape printed?		
3) Did the candidates' names on the zero tape match the names on the ballot?		
4) Do all the machines show zero ballots cast at the time the polls open?		
5) Was a list of absentee voters posted? How many? _____		
6) Was a sample ballot posted?		
7) Was there a sign showing the hours during which the polling place is to be open?		
8) Was there a poster showing the general information on voting rights under federal and state laws?		
9) Were instructions posted for mail-in registrants who are unverified first-time voters?		
10) Were instructions on how to cast a provisional/affidavit ballot posted?		
11) Was the general information on prohibitions on fraud and misrepresentation posted?		
12) Is the precinct handicapped accessible?		
13) Is there a voting machine or device which is handicapped accessible?		
DURING VOTING HOURS:	YES	NO
1) Was an area 150' and closer to the poll kept free from distribution and posting of campaign literature?		
2) Was an area 30' in every direction of the polls or room kept clear of all persons except election officials, poll watchers, or persons waiting to vote?		
3) How many voters voluntarily provided identification? _____		
4) Voter Assistance:		
How many voters were assisted? _____		
How many voters <i>requested</i> assistance from Poll Managers? _____		
Was the voter:		
Blind? _____ Illiterate? _____ Physically disabled? _____		
Or none of the three? _____		
Who provided assistance:		
Poll Manager? _____ Poll Observer? _____ Third Party? _____		
5) How many voters were provided instruction on how to use the voting machines? _____		
6) How many ballots were challenged? _____		
Frivolous? _____ Rejected? _____		
Accepted? _____		
7) Were any voters turned away from the polls? How many? _____		
Why? _____		
8) How many voters voted curbside? _____		

APPENDIX 4

Report on the Counting of Paper Ballots in Lee County General Election: November 2 – 9, 2010

During the early afternoon hours of November 2, 2010, a problem became apparent in a few precincts in Lee County, Mississippi: a shortage of printed ballots. Before the closing of the polls at 7:00 p.m., it appears that 35 of the county's 42 precincts had utilized photocopied ballots, which were counted by hand during the week following the election. Observers stated that election commissioners, deputy circuit clerks, and concerned citizens transported photocopied ballots to precincts throughout the county. Each stack of ballots included a note indicating the total number of photocopied ballots in that stack. Rubberbands held each stack and note together. Three observers from the Mississippi Secretary of State's Office documented the activities that surrounded the counting of these photocopied ballots. This report summarizes observations made by these three individuals.

Logistics

- Circuit Clerk's Office – Lee County Justice Center
- Initially, the Resolution Board conducted all counting within the Records Vault Room in the Circuit Clerk's Office.
- On Wednesday and Thursday (November 3 and 4, 2010), counting took place in the Records Vault Room and the Election Commissioners' Office simultaneously.
- On Friday and Monday (November 5 and 8, 2010), counting of affidavit ballots occurring exclusively in the Election Commissioners' Office.

General Observations

- Chain of Custody
 - The Circuit Clerk's Office photocopied ballots and bundled them for distribution to precincts throughout the county. Each bundle included a note, which documented the number of ballots contained within that specific bundle.
 - No seals or containers accompanied or housed the bundles of ballots.
 - Numerous individuals transported photocopied ballots to precincts throughout the county including deputy circuit clerks, election commissioners, and other concerned citizens.
 - Poll managers returned the photocopied ballots to the Circuit Clerk's Office after the close of the polls.
 - During the counting of the photocopied ballots, the Resolution Board found it impossible to verify the total number of photocopied ballots because
 - The notes, which indicated the total number of ballots sent to the precincts, could not be found;
 - The unmarked ballots had been separated from the marked ballots;
 - Some of the photocopied ballots may have been used for affidavit ballots; and/or
 - The notes contained additional numbers on the notes, written by unknown persons, which conflicted with the original total of ballots included in the bundles.
 - Whenever either room was unoccupied, the Circuit Clerk locked and sealed the room.
- Counting of the Photocopied Ballots
 - Poll managers returned all photocopied ballots to the Circuit Clerk's Office without tallying the results of the votes contained on those ballots. Instead, the Resolution Board tallied all of the votes contained on the photocopied ballots. This procedure appears to directly violate §23-15-581 of Mississippi Code.
 - Initially, the Resolution Board consisted of three citizens. However, the configuration of the Resolution Board changed considerably on the second and third days of the count.

- Four groups tallied the results of the election simultaneously:
 - Group #1: Resolution Board (3 citizens)
 - Group #2: Deputy Circuit Clerks (2 deputies)
 - Group #3: Circuit Clerk/Election Commissioner
 - Group #4: Deputy Circuit Clerk/2 or 3 Election Commissioners
 - The original group of three grew into four groups in order to increase the pace of the tallying.
 - Before deputy clerks began counting voters, the Circuit Clerk informed the participants that she had contacted the Attorney General’s Office and that it had given approval to clerks counting votes.
 - The participation of Election Commissioners in the tallying of election results appears to violate §23-15-523.
 - Ballot Styles
 - The General Election in Lee County consisted of seven ballot styles. Often, one precinct received numerous ballot styles.
 - Multiple ballot styles enhanced the complexity of the problem. Some precincts used all of its ballots for one ballot style, while another ballot style remained available.
 - When the Resolution Board accessed the photocopied ballots, many precincts sorted them according to different ballot styles. Other precincts combined ballot styles.
 - Shortage of Printed Ballots
 - The Circuit Clerk’s Office provided two explanations for the shortage of printed ballots:
 - The clerks explained “that 50% of the total number of voters was the number of ballots that were ordered.”
 - A deputy clerk explained that the Circuit Clerk’s Office order the maximum number of ballots from the printer without going “over \$5,000”. The deputy clerk explained that the law requires bids for purchases over that amount.
 - The scanners counted 19,203 ballots for the entire county on Election Day.
 - The Resolution Board and the Election Commission tallied 4,235 ballots (photocopied ballots and affidavit ballots); therefore, 23,438 ballots were counted.
 - Photocopied and affidavit ballots accounted for 18.07% of the total number of ballots counted. Photocopied and affidavit ballots accounted for higher percentages of the total number of ballots cast in several precincts:
 - Hebron – 35.2% (82 ballots)
 - Richmond – 33.5% (89 ballots)
 - Palmetto – 33.5% (262 ballots)
 - Blair – 30.1% (178 ballots)
 - Brewer – 29.6% (81 ballots)
 - Kedron – 28.2% (78 ballots)
 - Oak Hill – 28.0% (219 ballots)
 - Saltillo – 27.3% (384 ballots)
 - Belden – 26.1% (290 ballots)
 - Tupelo 2 – 23.5% (416 ballots)
 - Old Union – 22.9% (58 ballots)
 - Baldwyn – 21.3% (110 ballots)
 - Flowerdale – 21.0% (83 ballots)
 - Bissell – 20.5% (430 ballots)
 - Verona – 19.9% (134 ballots)
 - Corrona – 19.6% (32 ballots)
 - Euclatubba – 18.9% (34 ballots)
 - Unity – 18.8% (46 ballots)
 - Petersburg – 18.7% (31 ballots)

- Eggville – 18.5% (40 ballots)
- Counting of Affidavit Ballots
 - The Circuit Clerk provided thorough instructions to the Election Commission throughout the process of accepting, rejecting, and counting affidavit ballots.
 - One of the deputy clerks checked each affidavit ballot envelope on SEMS and wrote a determination on each envelope.
 - The Election Commission confirmed the clerk’s decisions, opened and counted the accepted affidavit ballots, and marked all other affidavit ballot envelopes rejected.
 - One commissioner wrote an explanation for each rejected affidavit ballot beside the signature of its voter in the register.
 - On Friday, November 5, the Election Commission confirmed each signature on the register to the signature on the affidavit ballot envelope. However, it discontinued this practice on Monday, November 8.
 - The Election Commission accepted and counted affidavit ballots for voters who failed to sign the register on two occasions.
 - On several occasions, only two election commissioners participated in the acceptance, rejection, and tallying of affidavit ballots.
- Disenfranchisement of Voters
 - The shortage of printed ballots and the delay in transporting photocopied ballots could have resulted in the disenfranchisement of voters in any or all precincts affected.
 - According to one of the observers, “a voter had called in from Birmingham Ridge who indicated that they had waited for almost an hour and no one showed up with ballots.” Extended waits at multiple precincts could have resulted in the disenfranchisement of many voters.
 - The disenfranchisement of a voter violates state and federal election laws.